

EXHIBIT 1



Entered on Docket
June 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE PALM SPRINGS MARQUIS
HOTEL LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Palm Springs Marquis Hotel
3 Loan (the "Objection") [DE 6287]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on June 9, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Palm Springs Marquis Hotel Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

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13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**MARQUIS HOTEL LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-01244	Robert W. and Joan H. Scott Trust Dated 3/22/93	c/o Robert W. and Joan H. Scott Trustees P.O. Box 33014 Las Vegas, NV 89133-3014	\$51,591.00	\$51,591.00
10725-00992	Sterling Tom	213 Royal Aberdeen Way Las Vegas, NV 89144	\$50,000.00	\$50,000.00
10725-01171	Sterling Tom	213 Royal Aberdeen Way Las Vegas, NV 89144	\$50,000.00	\$50,000.00
10725-01568	Earl and Dorothy Wigert 1994 Revocable Trust	c/o Earl Wigert Trustee 3115 Merrill Drive Torrance, CA 90503-7128	\$1,119.44	\$1,119.44
10725-00544	Lynn Wilkelis, Jewell Nowak and Dr. Jana Molvaney	P.O. Box 642 Buellton, CA 93427-0642	\$63,000.00	\$63,000.00
10725-02064	Neil A. and Josephine E. Xavier	2506 Libretto Avenue Henderson, NV 89052-6563	\$51,625.00	\$51,625.00
10725-00290	Neil A. and Josephine E. Xavier	2506 Libretto Avenue Henderson, NV 89052	\$50,000.00	\$50,000.00
10725-01007	Gregory D. Yonai Trustee	1982 Country Cove Court Las Vegas, NV 89135-1552	\$55,000.00	\$55,000.00